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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 TONY G. HEWITT,

10 Plaintiff,

11 vs.

12 JOHN PEERY, et al.,

13 Defendants.  
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Case No. 3:11-CV-00700-HDM-(VPC)

**ORDER**

15 Before the court is defendants' motion for reconsideration of screening orders (#22). The  
16 court agrees with defendants that plaintiff's claims pursuant to Nev. Rev. Stat. §§ 197.200, 209.131,  
17 212.010, and 212.020 need to be dismissed. The court also agrees with defendants that plaintiff's  
18 claims pursuant to state medical statutory laws need to be dismissed, because state law requires a  
19 plaintiff pursuing a medical malpractice claim to attach to the complaint "an affidavit, supporting  
20 the allegations contained in the action, submitted by a medical expert who practices or has practiced  
21 in an area that is substantially similar to the type of practice engaged in at the time of the alleged  
22 malpractice." Nev. Rev. Stat. § 41A.071. Finally, the court will dismiss plaintiff's claims in count  
23 1 that the First and Fourteenth Amendments were violated, because the facts alleged do not support  
24 such claims. Defendants will need to respond to the remaining claims in the complaint.

25 Also before the court is defendants' motion for extension of time to respond to complaint  
26 (#23). The court grants this motion.

27 IT IS THEREFORE ORDERED that defendants' motion for reconsideration of screening  
28 orders (#22) is **GRANTED**. Plaintiff's claims pursuant to the First and Fourteenth Amendments,

1 pursuant to Nev. Rev. Stat. §§ 197.200, 209.131, 212.010, and 212.020, and pursuant to state  
2 medical statutory laws are **DISMISSED**.

3 IT IS FURTHER ORDERED that defendants' motion for extension of time to respond to  
4 complaint (#23) is **GRANTED**. Defendants shall have thirty (30) days from the date of entry of this  
5 order to respond to the complaint (#4).

6 DATED: October 1, 2012.

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HOWARD D. MCKIBBEN  
United States District Judge